

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

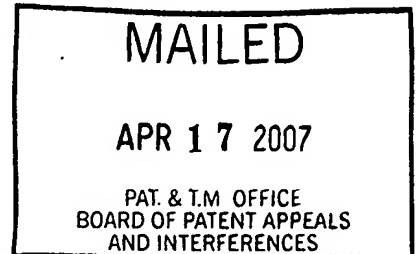
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Ex parte JANNE J. KALLIO, TERO RANTALA, MARKKU RAUTIOLA,  
PEKKA RISSANEN, KARI TUOVINEN, JAN PARKKINEN,  
ALEXANDER ESSER and PHILIP WESBY

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Application 10/070,411

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on January 17, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

A review of the file reveals that it is not clear from the record whether the examiner considered the Amendment filed June 16, 2006. A written communication notifying Appellants of the response to the Amendment is required. See 37 C.F.R. § 41.33(b) which states:


(b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted:

- (1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or
- (2) To rewrite dependent claims into independent form.

Accordingly, it is **ORDERED** that the application is returned to the Examiner for:

- 1) consideration of the Amendment filed June 16, 2006, with appropriate written notification by the Examiner to appellants of such consideration;
- 2) consideration of the correctness of the Examiner's answer in light of possible entry of the Amendment filed June 16, 2006, and;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PJN:pgc

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